NATIONAL LIBRARY OF MEDICINE NEWS

ISSN 0027-965X

Published for institutions and individuals interested in health sciences communications.

Vol. XXXI, No. 11 | Bethesda, Maryland | November 1976

Dear Friends and Colleagues:

Recently I announced my intention to retire at the end of this year for personal reasons. Anticipating the resolution of a major personal problem and encouraged by many requests that I continue to serve the National Library of Medicine and its constituents I have decided to remain as Director for an indefinite period.

May I thank those of you who have written and called me regarding this difficult decision. At the same time I apologize to the dedicated members of the NLM staff and other friends who had begun preparations for an elegant sendoff.

I pledge to you all a continued vigorous effort to improve our nation's medical libraries and the information services which health professionals everywhere need and deserve.

Respectfully yours,

Martin M. Cummings

Martin M. Cummings, M.D.

NATIONAL LIBRARY OF MEDICINE
NEWS

Martin M. Cummings, M.D. Director, NLM

Robert B. Mehnert, Public Information Officer

Roger L. Gilkeson, Editor (301) 496-6308

Daniel L. Carangi, Graphics

8600 Rockville Pike, Bethesda, Maryland 20014

New Copyright Law to Affect Interlibrary Lending

On October 19, 1976, President Ford signed P.L. 94-553, the new Copyright Law. One section of the law of particular concern to medical libraries is subsection 108 (g) (2) dealing with reproduction of copyrighted materials by libraries. Following is an abridgment of 108 (g) (2):

> (g) The rights of reproduction and distribution under this section...do not extend to cases where the Library or archives, or its employee...
>
> (2) engages in the systematic reproduction or distribution of single or multiple copies or phonorecords of material described in subsection (d): Provided, That nothing in this clause prevents a library or archives from participating in interlibrary arrangements that do not have, as their purpose or effect, that the library or archives receiving such copies or phonorecords for distribution does so in such aggregate quantities as to substitute for a subscription to or purchase of such work.

An interpretation of what is "such aggregate quantities as to substitute for a subscription to or purchase of such work" is contained in the House-Senate Conference Report (94-1733) accompanying the legislation. The interpretation is the result of an agreement between representatives of library organizations and publishers reached under the auspices of the National Commission on New Technological Uses of Copyrighted Works (CONTU). The CONTU guidelines for subsection 108(g)(2) state:

> 1. As used in the proviso of subsection 108 (g) (2), the words "...such aggregate quantities as to substitute for a subscription to or purchase of such work" shall mean:
>
> (a) with respect to any given periodical (as opposed to any given issue of a periodical), filled requests of a library or archives (a "requesting entity") within any calendar year for a total of six or more copies of an article or articles published in such periodical within five years prior to the date of the request.

There are a number of other sections in the new law that will have an impact on the way libraries do business, and there are detailed CONTU guidelines for many of these sections. Libraries and others who will be affected by the new law are urged to write to the House Document Room, Room H-226, Capitol Building, Washington, D.C. 20515 for a copy of P.L. 94-553 and Conference Report Number 94-1733.

The new law becomes effective January 1, 1978. We will inform our readers of any changes in procedure for requesting interlibrary loans from NLM.

Freedom of Information Suit Resolved

The United States Court of Appeals for the Ninth Circuit has upheld a decision by the U.S. District Court in Los Angeles that MEDLARS computer tapes are not "records" under the Freedom of Information Act. The Systems Development Corporation of Santa Monica, California, had charged that NLM had violated the Act by refusing to provide SDC copies of the MEDLARS data base at the cost of reproducing the computer tapes (*News*, July, December 1975). The affirmation in NLM's favor was filed in the U.S. Court of Appeals on September 29, 1976. The following are excerpts from the text of the affirmation:

> In this case of first impression we consider whether a complete reference library of medical writings and publications, accumulated and stored in a computer data bank by an agency of the federal government, constitutes "agency

records" for the purposes of the Freedom of Information Act...and must therefore be made available to the public for a nominal charge limited to the direct costs of search and duplication....We hold that it does not and affirm the judgment of the district court....

Appellant's argument...has the straightforward appeal of a simple syllogism: The Freedom of Information Act requires reproduction, at nominal cost, of all agency records not falling within one of the listed exemptions. The MEDLARS tapes are agency records, not specifically exempted.. Therefore, the MEDLARS tapes must be reproduced at nominal cost upon appellant's request. We cannot, however, accept appellant's minor premise and must therefore reject its conclusion....

The legislative history of the Freedom of Information Act discloses deep congressional concern with the ability of the American people to obtain information about the internal workings of their government....

There is...a qualitative difference between the types of records Congress sought to make available to the public by passing the Freedom of Information Act and the library reference system sought to be obtained here. The library material does not directly reflect the structure, operation, or decision-making functions of the agency, and where, as here, the materials are readily disseminated to the public by the agency, the danger of agency secrecy which Congress sought to alleviate is not a consideration....

...We conclude that the National Library of Medicine was not required to provide a copy of the MEDLARS tapes for the nominal cost of duplication, and that the district court properly granted appellee's motion for summary judgment.

Publication Notes

1976 CIM

An advance order form for the 1976 edition of *Cumulated Index Medicus* (Volume 17) is enclosed with this issue of the *News*. This year's *CIM*, scheduled to appear about April 1977, is priced at $202.00 Although to be contained in eight books as previously, it will be larger than the 1975 edition by an estimated 2,900 pages. The advance order form will also appear in the December issues of *Index Medicus* and *Abridged Index Medicus*. All orders should include the GPO Catalog Number (HE 20.3612/3:17) and Stock Number (S/N 017-052-00173-6)

Expiration Information on Mailing Labels

If you want to know how many more issues are due on your GPO subscription order, you can now tell by looking at the code line on the mailing label of the last issue received. The code line, found directly above the address, will end with (for example) ISSDUE003B This translates to "three more issues due on your subscription." The "B" means your subscription was ordered by a *b*ook dealer; an "R" or "D" would mean you are a *r*egular (cash) subscriber or that you ordered through your *d*eposit account.

If your subscription is about to expire and you have failed to receive the renewal notice GPO sends automatically 90 days before expiration, you should send GPO a copy of your mailing label—including the complete code line and address—along with payment and a renewal order. Any claim regarding a subscription order should also include a copy of your mailing label if possible.

NTIS Microfiche

The National Technical Information Service (Springfield, VA 22161) has announced a $0.75 increase in the microfiche price of most reports. Previously the microfiche price was $2.25; it is now $3.00. The change was effective October 1. (NTIS microfiche measures 4" x 6" with a 24 to 1 reduction ratio and approximately 98 pages per fiche.)

Improvement Grant Forms Available

Application forms and instructions for the modified Medical Library Resource Improvement Grant Program (described below) are now available from the Regional Medical Libraries. (For the address of the RML serving your state see *NLM News*, December 1975, Supplement 1, page 4.)

Improvement Grants assist in creating or improving basic health science information resources in the libraries of local health facilities such as community hospitals, mental health centers, or research institutes. The program

seeks to support the development of basic information collections, foster rapid access to the current literature, promote local resource sharing, and support educational activities in local health facilities. Two types of Improvement Grant are available:

- *Consortium Grant.* Up to $4,000 is available during the first budget period (usually one year) to a consortium of local health institutions to plan and develop formal agreements for a shared basic health information collection. To implement the plan, up to $3,000 is awarded for the second budget period for each institution in a consortium. There is a matching requirement of up to $1,000 (3:1 ratio) for the second year.

- *Single Institution Grant.* Up to $4,000 is available in the first budget period to support the development of a basic information collection in institutions where a consortium arrangement is not possible. Up to $3,000 (with a matching requirement of up to $1,000) may be awarded in the second year.

A consortium may be composed of hospitals, mental health centers, research institutes, community colleges, public libraries, and other institutions that provide information services for health personnel. For single- institution grants, public and private nonprofit institutions may apply on behalf of their health science libraries. These are defined as libraries whose primary purpose is to serve medicine, dentistry, nursing, pharmacy, osteopathy, and other fields closely related to health.

PHS Grants Policy Change

The recently issued PHS Grants Policy Statement, DHEW Publication No. (OS) 77-50,000, Rev. Oct. 1, 1976, announces the following change for the support of library services:

> *Library and Information Services.* Allowable as a direct cost when specifically required for the conduct of the project and identifiable as an integral part of the grant-supported activity, for example, in those programs designed to develop and support such services. General library support is not allowable as a direct cost but may be included in the grantee's indirect cost pool.

Previous policy held that library support was "not allowable as a direct cost but may be included in the grantee's indirect cost." This policy change affects the six Public Health Service agencies of the Department of Health, Education, and Welfare: Alcohol, Drug Abuse, and Mental Health Administration; Center for Disease Control; Food and Drug Administration; Health Resources Administration; Health Services Administration; and National Institutes of Health.

NLM Serial Gap List

The following journal issues are this month's continuation to the list of gaps in the Library's collection. If you can supply any of these items, please address them to:

National Library of Medicine
TSD-GAPS
8600 Rockville Pike
Bethesda, MD 20014

Alexandria Medical Journal 15:2,3,4,5,6 1969; 17:1,2,3,4,5,6, 1971; 18:2,3,4,5,6, 1972; 19:1-2, 1973
Behaviour Research and Therapy 2:1, 1964
Bulletin of Epizootic Diseases of Africa 21, 1973
Cancer Facts and Figures (American Cancer Society) 1972; 1973; 1974; 1975
Chemist and Druggist 195:4750, 1971
Child Care (London) 26, 1972; 27:1,3, 1973
Child Care Quarterly 2:4, 1973; 4:4, 1975
Child Development Abstracts and Bibliography 45:3-6, 1971
Child Vision Care 16:1-2, 1971; 16:6, 8, 1972; 17:3, 1972
Chiropodist (London) 24:6, 1969; 25:3, 1970
Christian Medical Society Journal 2, 1971/72; 3:2, 1972
CIS; Chromosome Information Service Nos. 15-16, 1973
Clinics in Haematology 1:3, 1972
Contact Lens Medical Bulletin 1:3, 1968; 2:1-2, 1969
Cortex 8:1-4, 1972; 9:3-4, 1973
Critical Care Medicine 2:5, 1974
Emergency Medicine 1:6, 1969
Engineering in Medicine 2:1, 1973
Environmental Health and Pollution Control 4:3,6, 1973